

THE PATENT OFFICE OF THE STATE INTELLECTUAL PROPERTY OFFICE  
OF THE PEOPLE'S REPUBLIC OF CHINA

Address: No. 6 Xi Tucheng Lu, Jimeng Qiao Haidian District, Beijing Post code: 100088 P.O. BOX: Beijing 8020

Shanghai Patent & Trademark Law Office

Date of Dispatch  
August 20, 2004

Application No.: 02108548.X	Applicant: ASAHI GLASS COMPANY LTD.
Application Date: March 28, 2002	Agent:
Title: PROCESS FOR PRODUCING A GLASS FOR CATHODE RAY TUBES	

NOTICE ON OFFICE ACTION

- ☒ According to the Request for Substantive Examination raised by the applicant and based on the provision of Item 1, Article 35 of the Patent Law, the Examiner has proceeded with the Examination as to Substance on the above mentioned application for patent for invention.

☐ According to Item 2, Article 35 of the Chinese Patent Law, the Patent Office has decided to examine the above application for patent for invention.
- ☒ The applicant has requested that the filling date of 2001.03.28 at the JP Patent Office as the priority date,

\_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date,

\_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date,

\_\_\_\_\_ at the \_\_\_\_\_ Patent Office as the priority date,

☒ The applicant has already submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed.

☐ The applicant has not submitted the copy of the first filed prior application document certified by the receiving office of the country where the application was originally filed. It is deemed not having claimed priority according to the provision stipulated in Article 30 of the Patent Law.

☐ This application is a PCT application.
- ☐ The applicant submitted on \_\_\_\_\_ and \_\_\_\_\_ the amendment documents.

On examination, among them,

the \_\_\_\_\_ submitted on \_\_\_\_\_ can not be accepted.

the \_\_\_\_\_ submitted on \_\_\_\_\_ can not be accepted.

Because the above amendment

☐ does not conform with the provisions of Article 33 of the Chinese Patent Law,

☐ does not conform with the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law,

Refer to the text of the Notice for the specific reasons why the amendment cannot be accepted



4. ☒ The examination has been proceeded on the original application documents.  
☐ The examination is directed at the following application documents:  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing of the original application documents submitted on the date of filing.  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing submitted on \_\_\_\_\_.  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing submitted on \_\_\_\_\_.  
 Claim \_\_\_\_\_, page \_\_\_\_\_ of the specification, page \_\_\_\_\_ of the drawing submitted on \_\_\_\_\_.  
 Abstract of the specification submitted on \_\_\_\_\_, the drawing of the Abstract submitted on \_\_\_\_\_.

5. ☐ This Notice is made under the condition of no search having been conducted.  
☒ This Notice is made under the condition of search having been conducted.  
☒ This Notice has cited the below comparison documents (the number of which shall continue to be used in the subsequent examination procedures):

No.	Title of Document	Date of Publication (or the filing date of the conflicting Application)
1	US 4919700A	1990.04.24
2		
3		
4		

6. The conclusive opinion drawn from the examination:

☒ **As regards the Specification:**

- ☐ The contents of the application fall under the scope stipulated by Article 5 of the Patent Law for which no patent right shall be granted.  
☐ The specification does not conform with the provision of Item 3, Article 26 of the Patent Law.  
☒ The drafting of the specification does not conform with the provision of Rule 19 of the Implementing Regulations.

☒ **As regards the Claims:**

- ☐ Claim \_\_\_\_\_ does not possess the novelty as stipulated in Item 2, Article 22 of the Patent Law.  
☒ Claim 1 does not possess the inventiveness as stipulated in Item 3, Article 22 of the Patent Law.  
☐ Claim \_\_\_\_\_ does not possess the practical applicability as stipulated in Item 4, Article 22 of the Patent Law.  
☐ Claim \_\_\_\_\_ falls under the scope of Article 25 of the Patent Law where no patent right is to be granted.  
☐ Claim \_\_\_\_\_ does not conform with the provision of Item 4, Article 26 of the Patent Law.  
☐ Claim \_\_\_\_\_ does not conform with the provision of Item 1, Article 31 of the Patent Law.  
☐ Claim \_\_\_\_\_ does not conform with the definition of invention as stipulated in Item 1, Article 2 of the Implementing Regulations of the Patent Law.  
☐ Claim \_\_\_\_\_ does not conform with the provision of Item 1, Rule 13 of the Implementing Regulations of the Patent Law.  
☒ Claim 1, 4-8 does not conform with the provisions of Rules 20 to 23 of the Implementing Regulations of the Patent Law.

Refer to the text of this Notice for the specific analyses of the conclusive opinion.

7. Based on the above conclusive opinion, the Examiner deems that:

- ☐ The applicant shall amend the application documents in accordance with the requirements raised in the text of the Notice.
- ☒ The applicant shall discuss in his observations reasons why this application for patent can be granted a patent right, and amend the portions indicated in the text of the Notice which have been deemed as not conforming with the provisions, or no patent right shall be granted.
- ☐ There are no substantive contents in the application for patent that can be granted a patent right. If the applicant does not present reasons or the reasons presented are not sufficient, the application shall be rejected.

8. The applicant is asked to note the following items:

- (1) According to the provision of Article 37 of the Patent Law, the applicant shall submit his observations within **four months** from the receipt of this Notice. Where, without justified reasons, the applicant does not respond at the expiration of said date, the application shall be deemed to have been withdrawn
- (2) The applicant shall amend his application according to Article 33 of the Patent Law. The amended documents shall be in duplicate, and the form, in conformity with the relevant provisions in the Examination Guide.
- (3) The applicant and/or his agent can not, without first making an appointment, go to the Patent Office to have an interview with the Examiner.
- (4) The observations and/or the amended documents shall be mailed or delivered to Department of Receipt, the Patent Office of the State Intellectual Property Office. No documents shall possess legal effects if not mailed or delivered to Department of Receipt.

9. The text portion of this Notice totals 1 page(s), and includes the following attachment(s):

- ☒ duplicate copy(ies) of cited comparison document(s), altogether 1 copy(ies) 7 pages.

☐

Examination Department: \_\_\_\_\_ Examiner(Seal): \_\_\_\_\_

2201 2001.7

P171#



# The First Office Action

The present invention relates to a process for producing a glass for cathode ray tubes. After examination, the Examiner gives the following remarks:

1. The mark 42 of Fig. 1 and the figure of the abstract does not appear in the specification under Rule 19.3 of the Implementing Regulations of the Patent Law of China.

2. The meanings of  $P_0$ ,  $P_A$  and  $W$  in Claim 1 are not clear under the provision of clearness of Rule 20.1 of the Implementing Regulations of the Patent Law of China. Furthermore, D1 (US 4,919,700, see abstract and claims) has already discloses a method of refining glassy materials, wherein glass containing certain concentration of water is molten under atmospheric pressure, then vacuum degassing under subatmospheric pressure. The difference between the technical solutions of Claim 1 and D1 lies in that the highest pressure value of the molten glass during the removing of the gas is defined. Because the contents of  $W$  is not clear and the highest pressure value is not decided, the technical solution of Claim 1, comparing with D1, will not surely bring about prominent advantage. Therefore, the technical solution does not accord with the provision of Article 22.3 of the Chinese Patent Law.

3. Claims 4-8 are multiple dependent claims referring to multiple dependent Claim 3, which do not accord with Rule 23.2 of the Implementing Regulations of the Patent Law of China, that is, the multiple dependent claim shall not serve as a basis for any other multiple dependent claims.

For the above reason, the present application based on the present documents can not be granted yet. The applicant should make amendment, if necessary, and provide sufficient reasons in due time according to the above remarks. The amendment of the documents made by the applicant should accord with the provision of Article 33 of the Patent Law of China, not going beyond the scope of the original specification and claims.

Furthermore, please submit the following reference at the same time: "REFINING OF GLASSES UNDER SUBATMOSPHERIC PRESSURES", PROCEEDINGS OF THE INTERNATIONAL CONFERENCE ON SCIENCE AND TECHNOLOGY OF NEW GLASSES, TANAKA C ET AL, PP. 71-76, NO. A4, 1991.

## Comments and Suggestions

After carefully reviewing the First Office Action, we give our comments and suggestions as follows:

1. With respect to Remark 1, we suggest the applicant delete mark 42 in the figures.

2. With respect to Remark 2, we suggest the applicant argue that, it is clear that  $P_0$  is the pressure of the atmosphere for melting the glass and  $P_A$  is the pressure of the atmosphere for degassing.  $W$  is the weight percentage of  $H_2O$  in the glass. Therefore, the meanings of these symbols are clear. Using these symbols are for the convenience of description. The specification provides clear definitions of these symbols.

As for the inventiveness problem, in order to overcome the deficiency of lack of inventiveness, sufficient reasons should be presented to show that independent claim 1 has prominent substantive technical features that can not be readily derived from the D1 or the combination thereof with the prior art. In addition, the applicant should also indicate the notable progress brought about by the above-mentioned prominent substantive technical features to the technical solution of Claim 1 over D1. Although both D1 and the present application describes that the water in the molten glass can improve the foaming, in D1, it describes that the water should be at least 0.05 percent, but the present invention describes that  $W$  is 0.005-0.05%, which is contradictory with D1. Furthermore, D1 does not provide the pressure of the glass which can improve the foaming. Therefore, the technical solution of the present application is not predictable. The applicant may provide argument that the present application overcome the prejudice of the prior art. Furthermore, we suggest the applicant add the technical feature of Claim 4 into Claim 1, to define the weight percentage range of water in Claim 1.

However, since  $P_0$  and  $P_A$  of the present invention may include those pressures D1 discloses, and the pressure  $P$ , though not mentioned in D1, may be the same, the main difference lies in the content of water. However, 0.05% has been disclosed in D1. We suggest the applicant use disclaimer to exclude the point 0.05% (for example, at least 0.005% and less than 0.05%) to avoid the same scope with D1.

3. With respect to Remark 3, we suggest the applicant refer Claims 4 and 5 to independent Claim 1, Claims 6-8 to Claims 5, 6, 7, respectively. If desired, said amendment can be handled by us.

4. Please provide us the reference that the Examiner requests. We will submit it with the response.

However, the above suggestion is merely for your reference. Please note that, when the applicant amends the application documents, the amendments can not go

beyond the scope of the disclosures contained in the initial description and claims as prescribed by Article 33 of the Chinese Patent Law.

Furthermore, it is helpful to expedite the procedure by submitting a copy of the granted family patents in other countries, e.g., JP. Therefore, it would be appreciated to send us a copy of them, if any.

Your clear and detailed instruction reaching us before **December 20, 2004** would be greatly appreciated. If the response can not be made before the above due date, an extension of time for two months can be requested, for which an official fee of RMB 600 (about US\$ 72) and attorney fee of US\$ 80 shall be incurred. **No further extension is available.**

## ATTACHMENT

**PLEASE NOTE: THE UNDERLINED PORTIONS ARE MENTIONED BY THE EXAMINER IN THE ACTION.**

Article 22. Any invention or utility model for which patent right may be granted must possess novelty, inventiveness and practical applicability.

Novelty means that, before the date of filing, no identical invention or utility model has been publicly disclosed in publications in the country or abroad or has been publicly used or made known to the public by any other means in the country, nor has any other person filed previously with the Patent Administration Department Under the State Council an application which described the identical invention or utility model and was published after the said date of filing.

Inventiveness means that, as compared with the technology existing before the date of filing, the invention has prominent substantive features and represents a notable progress and that the utility model has substantive features and represents progress.

Practical applicability means that the invention or utility model can be made or used and can produce effective results.

Rule 20. The claims shall define clearly and concisely the matter for which protection is sought in terms of the technical features of the invention or utility model.

If there are several claims, they shall be numbered consecutively in Arabic numerals.

The technical terminology used in the claims shall be consistent with that used in the description. The claims may contain chemical or mathematical formulae but no drawings. They shall not, except where absolutely necessary, contain such references to the description or drawings as: "as described in part - - - - - of the description", or "as illustrated in figure - - of the drawings".

The technical features mentioned in the claims may, in order to facilitate quicker understanding of the claim, make reference to the corresponding reference signs in the drawings of the description. Such reference signs shall follow the corresponding technical features and be placed between parentheses. They shall not be construed as limiting the claims.

Rule 23 Any dependent claim of an invention or utility model shall contain a reference portion and a characterizing portion, and be presented in the following manner:

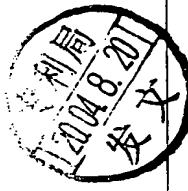

(1) a reference portion: indicating the serial number(s) of the claim(s) referred to, and the title of the subject matter;

(2) a characterizing portion: stating the additional technical features of the invention or utility model.

Any dependent claim shall only refer to the preceding claim or claims. Any multiple dependent claims, which refers to two or more claims, shall refer to the preceding one in the alternative only, and shall not serve as a basis for any other multiple dependent claims.

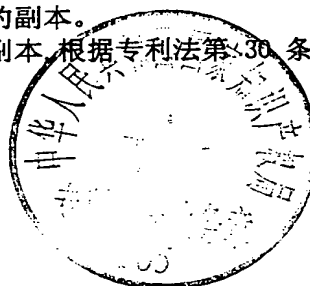


# 中华人民共和国国家知识产权局

邮政编码: 200233 上海桂平路 435 号 上海专利商标事务所 沙永生		发文日期 
申请号: 02108548X 		
申请人: 旭硝子株式会社		
发明创造名称: 用于阴极射线管的玻璃的制造方法		

## 第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。  
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:  
JP 专利局的申请日 2001 年 03 月 28 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日,  
专利局的申请日 年 月 日为优先权日。  
☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。  
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 申请人于 年 月 日和 年 月 日提交了修改文件。  
经审查, 申请人于:  
年 月 日提交的 不符合实施细则第 51 条的规定;  
年 月 日提交的 不符合专利法第 33 条的规定;  
年 月 日提交的
- 审查针对的申请文件:  
☒ 原始申请文件。 ☐ 审查是针对下述申请文件的  
申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;  
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;  
年 月 日提交的说明书摘要, 年 月 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。  
☒ 本通知书是在进行了检索的情况下作出的。  
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):  
编号 文件号或名称 公开日期(或抵触申请的申请日)  
1 US-4919700A 1990 年 4 月 24 日
- 审查的结论性意见:  
☒ 关于说明书:  
☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。





- ☐说明书不符合专利法第 26 条第 3 款的规定。  
☐说明书不符合专利法第 33 条的规定。  
☐说明书的撰写不符合实施细则第 18 条的规定。  
☒说明书的撰写不符合专利法实施细则第 19 条的规定。

☒关于权利要求书:

- ☐权利要求 不具備专利法第 22 条第 2 款规定的新颖性。  
☒权利要求 1 不具備专利法第 22 条第 3 款规定的创造性。  
☐权利要求 不具備专利法第 22 条第 4 款规定的实用性。  
☐权利要求 属于专利法第 25 条规定的不授予专利权的范围。  
☐权利要求 不符合专利法第 26 条第 4 款的规定。  
☐权利要求 不符合专利法第 31 条第 1 款的规定。  
☐权利要求 不符合专利法第 33 条的规定。  
☐权利要求 不符合专利法实施细则第 2 条第 1 款关于发明的定义。  
☐权利要求 不符合专利法实施细则第 13 条第 1 款的规定。  
☒权利要求 1 不符合专利法实施细则第 20 条的规定。  
☐权利要求 不符合专利法实施细则第 21 条的规定。  
☐权利要求 不符合专利法实施细则第 22 条的规定。  
☒权利要求 4-8 不符合专利法实施细则第 23 条的规定。

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见, 审查员认为:

- ☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。  
☒申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。  
☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其申请将被驳回。  
☐

8. 申请人应注意下述事项:

- (1) 根据专利法第 37 条的规定, 申请人应在收到本通知书之日起的肆个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。  
(2) 申请人对其申请的修改应符合专利法第 33 条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。  
(3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。  
(4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 1 页, 并附有下列附件:

- ☒引用的对比文件的复印件共 1 份 7 页。 ☐



审查员: 卫军(9474)  
2004 年 8 月 2 日

审查部门 审查协作中心



## 第一次审查意见通知书正文

申请号: 02108548X

本发明专利申请涉及用于阴极射线管的玻璃的制造方法。经审查, 具体意见如下:

说明书附图1、说明书摘要附图中的附图标记42在说明书中并未出现, 不符合专利法实施细则第十九条第三款的规定。

权利要求1中的 $P_0$ 、 $P_A$ 、 $W$ , 含义不清, 不符合专利法实施细则第二十条第一款有关权利要求应当清楚的规定。而且, 对比文件1(见摘要、权利要求书)已公开了一种精制玻璃材料的方法, 在大气压下熔融含有一定浓度水的玻璃, 并在低于大气压的压力下进行真空脱气, 而权利要求1请求保护的技术方案与对比文件1的区别为限定了真空脱气步骤中熔融玻璃的压力最高值, 由于 $W$ 的含量不清, 压力最高值也不确定, 相对于对比文件1, 并非必然会带来显著的进步, 请求保护的技术方案因而不符合专利法第二十二条第三款有关创造性的规定。

权利要求4—8本身是多项从属权利要求, 但它们所引用的权利要求3也是多项从属权利要求, 不符合专利法实施细则第二十三条第二款多项从属权利要求不得作为另一项多项从属权利要求基础的有关规定。

基于上述理由, 本申请按照目前的文本是不能授权的, 申请人应根据上述审查意见在指定的期限内对申请文件进行必要的修改并陈述理由, 修改时应满足专利法第三十三条的规定, 不得超出原说明书和权利要求书记载的范围。答复审查意见通知书时, 请同时提交如下文献: "REFINING OF GLASSES UNDER SUBATMOSPHERIC PRESSURES", PROCEEDINGS OF THE INTERNATIONAL CONFERENCE ON SCIENCE AND TECHNOLOGY OF NEW GLASSES, TANAKA C ET AL, pages 71-76, No. A4, 1991.

审查员: 卫军

代码: 9474